

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

EDWARD ALLEN KING,

Plaintiff,

v.

CIVIL ACTION NO. 1:15CV45
(Judge Keeley)

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of the Honorable Robert W. Trumble, United States Magistrate Judge ("R&R") (Dkt. No. 20), dated January 7, 2016. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to review de novo those portions of the magistrate judge's findings to which objection is made. Failure to file objections to the R&R permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to de novo review is waived. See Webb v. Califano, 468 F.Supp. 825 (E.D. Cal. 1979). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error. Id.

Upon review of the R&R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation

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(Dkt. No. 20) should be, and, is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Court

1. **GRANTS** the defendant's motion to remand (Dkt. No. 16);
2. **DENIES** the plaintiff's motion to remand for the sole purpose of calculating benefits (Dkt. No. 18);
3. **DENIES AS MOOT** the plaintiff's motion for summary judgment (Dkt. No. 10), motion to proffer evidence (Dkt. No. 12), and motion to delay the remand order (Dkt. No. 17);
4. **REVERSES** the decision of the Commissioner and **REMANDS** the case for further proceedings;
5. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** it **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: January 22, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE